

## **Probate Notes for November 20, 2014**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. Unless an appearance at the hearing is otherwise required by law, if petitioner submits a proposed order prior to the hearing and the recommendation is to grant the petition, no appearance is necessary. If you are scheduled to appear and there is no probate note issued in your case, you should appear as scheduled. If you wish to continue a matter, you must contact the civil division at (530) 406-6704, at least two (2) court days before your hearing.

**Please note:** The following probate matters will be heard in **Department Two at 9:00 a.m.**

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**CASE:            Conservatorship of Buck**  
**Case No. CV PC 13-182**

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

**CASE:            Conservatorship of Rinaldi**  
**Case No. CV PC 07-179**

It is recommended to approve the court investigator's report. (Prob. Code, § 1850 et seq.)

**CASE:            In the Matter of the Ethel Jean Spain 1988 Revocable Trust**  
**Case No. CV P2 13-113**

It is recommended to deny the petition to compel an accounting. Petitioner Carol Lynn Kauffman fails to establish that the accounting does not comply with the trust requirements. (Third Amendment and Restatement to the Ethel Jean Spain Revocable Trust, ¶ 4.16.)

It is recommended to grant the petition for distribution of the trust estate. Trustee Ernest Gaddini fails to provide sufficient legal authority that distribution in this matter should be stayed pending an appeal in *Gunter v. Gaddini*, Yolo County Superior Court Case No. CV CV 12-1948. Additionally, the trustee fails to provide any legal authority to support his position that distribution should be stayed so that trust assets can be used to satisfy a potential judgment in *Kauffman v. Gaddini*, Yolo County Superior Court Case No. CV CV 13-1116.